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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
REPLY IN SUPPORT OF ITS MOTION
TO COMPEL PRODUCTION OF
WITHHELD DOCUMENTS AND
EXHIBITS THERETO**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal confidential information in portions of its Reply in Support of its Motion to Compel Production of Withheld Documents (“Reply Brief”) and exhibits thereto, filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Reply Brief	Highlighted Portions	Defendants ¹ (blue highlighting)
Exhibits 9-11 of the Declaration of Patrick Schmidt (“Schmidt Decl.”)	Entire Documents	Defendants

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* Both the California Uniform Trade Secrets Act and the Defend Trade Secrets Act provide for maintaining the confidentiality of alleged trade secrets. Cal. Civ. Code § 3426.5 (“In an action under this title, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include . . . sealing the records of the action[.]”); 18 U.S.C. § 1835(a) (“[T]he court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets[.]”).

II. UBER’S CONFIDENTIAL INFORMATION

Waymo only seeks to seal the portions of the Reply Brief (highlighted blue) and Schmidt Decl. Exhibits 9-11 as identified in the table above, because Waymo believes such information is considered confidential or non-public by one or more Defendants. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Although Uber identified which portions of the exhibits it considers to be confidential or

¹ Defendants refers to Uber Technologies, Inc. (“Uber”), Ottomotto LLC (“Ottomotto”), and Otto Trucking LLC (“Otto Trucking”) collectively.

1 attorneys'-eyes-only information, it did not indicate that such confidentiality designations were on
2 behalf of all Defendants. In an abundance of caution, therefore, Waymo has filed the exhibits
3 completely under seal so that Ottomotto and Otto Trucking can determine which portions, if any,
4 merit sealing. Waymo takes no position as to the merits of sealing any of Defendants' designated
5 material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

6 **III. CONCLUSION**

7 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
8 above listed documents accompany this Administrative Motion. For the foregoing reasons,
9 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under
10 seal.

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12 DATED: May 16, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

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14 By /s/ Charles K. Verhoeven

Charles K. Verhoeven
Attorneys for WAYMO LLC